THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1712 of 2005

16-09-2005

Between:

Ushodaya Publications, Eenadu Complex, Hyderabad, rep. by its

Managing Director Ch.Kiran & another.

.....APPELLANTS

AND

The Government of Andhra Pradesh, rep. by its Principal Secretary,

Labour, Employment, Training and Factories (LAB-I) Department & another.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1712 OF 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties and with their consent, the writ appeal is disposed of at this stage.

The controversy is very short. Respondent No.2 has been a worker, working for the appellants. He has been dismissed from service. He raised an Industrial Dispute by way of I.D.No. 94 of 2004 before the Industrial Tribunal-Labour Court, Ananthapur. Thereafter, he represented to the Government that the case may be transferred from Ananthapur to Hyderabad, as he was finding it difficult to appear in Ananthapur, particularly after he lost the job and also due to his ill-health. Government passed an order being G.O.Rt.No.1565, dated 20.8.2003, transferring the case from Labour Court, Ananthapur to Labour Court-I, Hyderabad. This Government Order was challenged by way of a writ petition being writ petition No.18920 of 2003. The learned single Judge has dismissed the writ petition. Hence the appeal.

The case of the appellants is that the Government could not have transferred the case without even hearing them. In this connection, they rely on a judgment of the Supreme Court reported in *Management of M/s.M.S.Nally Bharat Engg. Co. Ltd. V. State of Bihar and others*, in which the Supreme Court went into interpretation of Section 33 B(1) of Industrial Disputes Act, 1947 and held that the transfer could be affected, but after hearing both sides, as the order was not an administrative order, but a quasi-judicial order. Therefore, following the mandate of this judgment, we allow this appeal, set aside the Government Order G.O.Rt.No.1565, dated 20.8.2003.

The workman has been fighting against his dismissal from the year 2000. The writ petition itself was filed in 2003 and the appellants were able to get a stay order and as such, for five years, no progress has been made in the case and the workman has suffered all these years. Therefore, we direct that the appellants shall submit their objections to the transfer application without any notice from the Government, within one week from today and the Government shall decide the application for transfer *de novo*, after taking into consideration the objections filed by the appellants, within one week after the objections are filed. If the appellants fail to file their objections within one week from today, the matter may be heard and decided by the Government without their objections.

Appeal is accordingly allowed. No order as to costs.

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(BILAL NAZKI, ACJ)

16th September 2005.

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(R.SUBHASH REDDY, J)

N.B.

Furnish copy by 19.9.2005.

(B/o)

ajr